30 percent of esters calculated as linalyl acetate, namely, not more than 5.88 percent of esters calculated as linalyl acetate; the odor of said article was not characteristic of lavender flowers and said article was not soluble in three volumes of 70 percent alcohol; the specific gravity of the article at 25° C. was more than 0.888, namely, not less than 0.898; the refractive index of said article at 20° was more than 1.4640, namely, not less than 1.4726, and said article, when tested by the method prescribed by the pharmacopoeia for acetins, required less than 4.7 cc of half-normal hydrochloric acid for neutralization, namely, not more than 4.45 cc of half-normal hydrochloric acid for neutralization, whereas the pharmacopoeia provides that oil of lavender shall yield not less than 30 percent of esters calculated as linalyl acetate; that it shall have the characteristic odor of lavender flowers and shall be soluble in three volumes of 70 percent alcohol; that its specific gravity shall not be more than 0.888 at 25°; that the refractive index shall not be more than 1.4640 at 20°, and that when tested for acetins not less than 4.7 cc of half-normal hydrochloric acid shall be required for neutralization; and in that the sodium biphosphate when dried to constant weight contained not more than 93 percent NaH_2PO_4 (sodium dihydrogen phosphate); 0.4 percent water insoluble matter and chloride, per gram, equivalent to 1.5 cc of fiftieth-normal hydrochloric acid; whereas the said pharmacopoeia provides that sodium biphosphate when dried to constant weight shall contain not less than 98 percent of NaH_2PO_4; that it is freely soluble in water, and that it shall contain, per gram, chloride corresponding to not more than 0.2 cc of fiftieth-normal hydrochloric acid; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements on the labels, "Oil of Lavender U. S. P." and "Sodium Biphosphate U. S. P.", were false and misleading. Misbranding of the oil of lavender was alleged for the further reason that it was a product that contained little, if any, oil of lavender, prepared in imitation of oil of lavender, U. S. P., and was offered for sale and sold under the name of another article, "Oil of Lavender U. S. P."

On May 22, 1934, the defendants entered pleas of nolo contendere and were adjudged guilty and the following fines were imposed: James Good, Inc., $30, T. F. Meehan, $10, and John J. Cram, $10

M. L. WILSON, *Acting Secretary of Agriculture.*

22594. Adulteration and misbranding of spirits camphor, essence peppermint, chloroform liniment, and spirits ammonia aromatic. U. S. v. Liebenthal Bros. Co. Plea of nolo contendere. Fine, $150 and costs. (F. & D. no. 31360. Sample nos. 4297–A, 4298–A, 4299–A, 4303–A, 4328–A, 4329–A.)

This case was based on interstate shipments of products labeled as conforming to the requirements of the United States Pharmacopoeia, but which did not so conform. The chloroform liniment and one shipment of essence peppermint were short volume.

On January 26, 1934, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Liebenthal Bros, Co., a corporation, Cleveland, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 13 and July 21, 1932, from the State of Ohio into the State of Wisconsin, of quantities of spirits camphor, essence peppermint, chloroform liniment and spirits ammonia aromatic which were adulterated and misbranded. The articles were labeled in part, variously: "Hi-Test Brand Spirits Camphor U. S. P."; "Hi-Test Essence Peppermint U. S. P. Alcohol 85% * * * 2 Fl. Oz. [or "1 Fl. Oz."]"; "Hi-Test Brand Spirits Ammonia Aromatic U. S. P. * * * Distributed only By Hi-Test Laboratories, Cleveland, Ohio."; "Marlo Chloroform Liniment U. S. P. * * * 4 Fl. Oz. Marlo Laboratories, Cleveland, Ohio."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia official at the time of investigation in the following respects: The spirits camphor contained more than 10.5 g of camphor in each 100 cc, the two samples containing 12.4 and 12.6 g,

respectively, of camphor in each 100 cc; whereas the pharmacopoeia provides that spirits camphor shall contain not more than 10.5 g of camphor in each 100 cc; the essence peppermint contained less than 79 percent of alcohol by volume, the two samples examined containing not more than 58.1 percent and 58.6 percent, respectively, of alcohol by volume, whereas the pharmacopoeia provides that essence peppermint shall contain not less than 79 percent of alcohol by volume; the chloroform liniment contained less than 31.5 g, namely, not more than 20 g of camphor per 1,000 cc, whereas the pharmacopoeia provides that chloroform liniment shall contain not less than 31.5 g of camphor per 1,000 cc; and the spirits ammonia aromatic contained less than 18.4 g, namely, not more than 9.56 g of ammonia per 1,000 cc, whereas the pharmacopoeia provides that spirits ammonia aromatic shall contain not less than 18.4 g of ammonia per 1,000 cc; and the standard of strength, quality, and purity of the articles was not declared on the containers. Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, "Spirits Camphor U. S. P.", "Essence Peppermint U. S. P. * * * Alcohol 85% * * * 1 Fl. Oz."; "Chloroform Liniment U. S. P. * * * 4 Fl. Oz." and "Spirits Ammonia Aromatic U. S. P.", borne on the labels, were false and misleading since the articles did not conform to the standard prescribed by the pharmacopoeia, the essence peppermint contained less than 85 percent of alcohol, the bottles containing the chloroform liniment contained less than 4 fluid ounces, and the 1-ounce bottles of essence of peppermint contained less than 1 fluid ounce. Misbranding of the essence peppermint was alleged for the further reason that the label failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On May 12, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22595. Adulteration and misbranding of tincture nux vomica. U. S. v. The Henry B. Gilpin Co. Plea of guilty. Fine, $200 or 60 days, sentences to run concurrently. (F. & D. no. 31458. Sample no. 30243-A.)

The product in this case consisted of tincture nux vomica, represented to be of pharmacopoeial standard, which contained alkaloids of nux vomica in excess of the amount prescribed by the United States Pharmacopoeia.

On May 15, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the police court of the District aforesaid an information against the Henry B. Gilpin Co., a corporation trading at Washington, D. C., alleging that on or about March 21, 1933, the defendant company had sold in the District of Columbia, a quantity of tincture nux vomica which was adulterated and misbranded. The article was labeled in part: "Tincture Nux Vomica U. S. P. * * * The Henry B. Gilpin Company Manufacturing Pharmacists, Baltimore, Md. Norfolk, Va."

It was alleged in the information that the article was adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the test laid down in the said pharmacopoeia official at the time of investigation in that it yielded more than 0.263 g, namely, not less than 0.291 g of the alkaloids of nux vomica per 100 cc, whereas the pharmacopoeia provides that tincture of nux vomica shall yield not more than 0.263 g of the alkaloids of nux vomica per 100 cc; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that the article was represented to be tincture of nux vomica which conformed to the standard laid down in the United States Pharmacopoeia, whereas it was not.

Misbranding was alleged for the reason that the statement "Tincture Nux Vomica U. S. P.", borne on the bottle label, was false and misleading, since the said statement represented that the article was tincture of nux vomica which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not.

On May 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of $100 or 60 days on each of the two counts of the information, the sentences to run concurrently.

M. L. WILSON, *Acting Secretary of Agriculture.*